

REMARKS

1. Election/Restriction

Claims 1, 3-5, 7, 8, 10-19, and 21-26 are pending. Claims 27, 28 and 30 have been withdrawn pursuant to a restriction requirement. During a telephone interview with Examiner Pasterczyk, Applicant elected and now affirm their election of the claims of Group I for prosecution on the merits, and their withdrawal of the non-elected claims.

Applicants request rejoinder of non-elected process claims 27, 28 and 30, if the Group I claims are ultimately found to be allowable. The standard for rejoinder of non-elected process claims after the allowance of product claims is set forth in MPEP § 821.04. This section provides that where an applicant presents both product and “process of using the product” claims in an application and elects claims directed to the product in response to a restriction requirement, and the product claims are then found to be allowable, process claims which depend from the allowed product claims will be rejoined.

2. Objection to Abstract

The Examiner has objected to the Abstract as not properly describing the invention. The Abstract has been revised so that it describes the invention covered by the claims as amended. Approval of the amended Abstract is respectfully requested.

3. Objection to the Declaration

The Examiner has pointed out that the Declaration as filed is defective in that inventor Moman appears to have signed both for himself and inventor and Al-Bahily. To remedy this defect, a revised Declaration has been sent to the inventors and will be filed as soon as the

executed document is received. Applicants respectfully request that they be afforded additional time to locate the inventors and secure their execution of the revised Declaration.

4. **Rejection of the Claims under 35 U.S.C. § 112, Second Paragraph**

The Examiner has rejected claims 1, 3, 5, 7, 8, 10-19 and 21-26 under 35 U.S.C. § 112, second paragraph, for not being adequately supported by the Specification as filed. To advance the prosecution of this application, Applicants have amended the claims to direct them to the invention demonstrated in the working Examples. It is respectfully submitted that as amended, all of the pending claims are supported by the working Examples and this rejection has been overcome.

5. **Rejection of the Claims as Indefinite Under 35 U.S.C. § 112, Second Paragraph**

The Examiner has rejected all of the pending claims under 35 U.S.C. § 112, second paragraph, as being indefinite for using terminology which does not clearly define the invention. The Examiner's specific rejections are addressed below.

The Examiner has objected to the use of the term Ziegler-Natta compound in claims 1, 3 and 4 in that the Ziegler-Natta is normally used to refer to a complete catalyst, and not compounds in such catalysts. To address this rejection, Applicants have amended claims 1, 3 and 4 by replacing the expression "Ziegler-Natta compound" with the term "transition metal compound represented by" certain formulas. Support for this amendment can be found at page 3, line 19-21 of the Specification.

The Examiner has also rejected claims 3 and 5 for their use of the symbol Tm to refer to a “transition metal”. To overcome this rejection, Applicants have substituted the letter “M” as suggested by the Examiner.

The Examiner has rejected claim 26 for using the term “transition metal” which has no antecedent basis in the claim from which claim 26 depends. Applicants respectfully submit that they have overcome this rejection by providing proper antecedent basis for the term transition metal in claim 5.

The Examiner has objected to claims 3, 15 and 18 because of certain spelling and coefficient errors. Each of the errors identified by the Examiner has been corrected in the amended claims. Accordingly, it is respectfully submitted that the objections to claims 3, 15 and 18 have been overcome.

6. Rejection of Claims 1, 3, 4, 12 and 16 under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1, 3, 4, 12 and 16 as anticipated by U.S. Pat. No. 5,534,472 to Winslow (“Winslow”). Applicants respectfully submit that as amended the claimed catalyst bear no resemblance to that of Winslow, because *inter alia*, the polymeric support recited in the claims are now limited to organic polymeric supports.

7. Claims 1, 5, 7, 8, 16, 22, 24 and 26 under § 102(b)

The Examiner has rejected claims 1, 2, 5, 7, 8, 16, 22, 24 and 26 as anticipated by U.S. Pat. No. 5,595,950 to Sagar (“Sagar”). Applicants respectfully submit that as amended all of the pending claims defined over Sagar in that the limitations of claim 3 have been incorporated into

claim 1. Since claim 3 was not rejected over Sagar, it is believed that all pending claims now defined over Sagar. Withdrawal of this rejection is respectfully requested.

Conclusion

In view of the foregoing, withdrawal of all rejections and allowance of the pending claims is respectfully requested. Rejoinder of non-elected process claims 27, 28 and 30 is also requested.

If the Examiner believes that there are any further issues which present an impediment to allowance, it is respectfully requested that the undersigned be contacted to conduct a telephone interview.

If additional fees are due, the Commissioner is authorized to charge the same to Deposit Account No. 50-0540.

Respectfully submitted,

KRAMER LEVIN NAFTALIS & FRANKEL LLP
Attorneys for Applicants

By:



William J. Spatz
Reg. No. 30,108
(212) 715-9257

Dated: June 20, 2005